

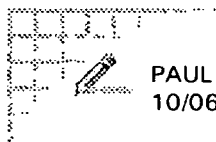
1044b UIC - EAST POPLAR OIL FIELD  
ENFORCEMENT CASE SDWA 1431  
Folder ID: 13536 2000 Privileged

Release in Full

Region 8



13536



PAUL OSBORNE  
10/06/97 03:25 PM

To: PEGGY LIVINGSTON, CAROL BOWDEN, BARBARA CONKLIN, DOUGLAS MINTER  
cc: DAVID HOGLE, TOM SPEICHER, JIM BOYTER, WILLIAM ENGLE

Subject: Review of plugging status of Mesa Biere A-1, Ft. Peck

As requested, I have reviewed the Information supplied by Sonosky, Chambers, Sachse and Endreson in their June 25, 1997, regarding allegations of contamination as a result of the improper plugging of the Mesa Biere A-1 injection well. In the letter Ms. Mary Pavel indicates that the recent study by the USGS shows that the contamination was related to oilfield brine and that the contamination could only come from the Mesa Biere A-1 well. Having also reviewed the USGS report I do not agree with the conclusions reached by Ms. Pavel in her letter. The USGS report identifies the extent of the contamination and the relationship between the contamination and oilfield brine, but it does not target the Mesa Biere A-1 as the cause. Although the report indicates that underground injection may be a major source of contamination it does not identify pathways.

It is important to note that both the Dakota and the Judith River Formation were used as injection reservoirs within the Ft Peck Reservation. In fact, the Dakota was overpressured as a result of injection in several areas. It is my opinion based on experience in other areas and information collected during permit reviews for wells in the Ft Peck area that a major potential pathway is improperly completed production wells. The USGS report did not focus or mention this potential pathway. The report focused on the source of the brine. I don't dispute that the injected brine could be responsible for some of the contamination. I do dispute the conclusion that the Mesa Biere A-1 is the source of contamination.

My review of the completion and plugging records for the Biere A-1 indicate that the casing was cemented by circulation of cement to the surface. The well was plugged with sufficient cement to plug the casing from top to bottom in addition sealing the perforations. This would be considered overkill in many situations to completely cement a wellbore. I am not certain what would be gained by drilling out the wellbore. If this was done, it would be nearly impossible (if not impossible) to determine if a problem had existed. If the Tribe had data from a series of nested monitoring located near the wellbore, it might be possible to show that there was a problem. There again this would be a very difficult situation to establish clear evidence.

I would suggest that a more reasonable approach for investigating the situation would be for the Tribe to do a records search of all wells in the general area to identify wells which might have questionable cementing across the Dakota and or the Judith River. Once again, however, pinpointing the actual pathway will be difficult without

running temperature logs on a large number of wells identified as candidates.

In closing, I would restate that I think surface disposal remains in my mind as a major source of contamination. The USGS report did not mention a major type of surface disposal that occurred on the reservation. This was spillage (or perhaps deliberate dumping) of brine from trucks hauling water to disposal wells. I witnessed such activity myself when I was doing our Judith River Study. I also heard stories from Tribal inspectors of the widespread nature of such activities. The salts from this activity could still be leaching out into the surficial aquifer.



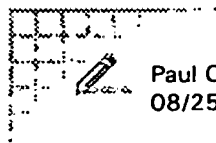
Barbara Burkland

08/19/98 11:53 AM

To: Carol Bowden/ENF/R8/USEPA/US@EPA, Barbara Conklin/ENF/R8/USEPA/US@EPA  
cc: Sharon Kercher/ENF/R8/USEPA/US@EPA, John Wardell/MO/R8/USEPA/US@EPA, Jim  
Boyter/MO/R8/USEPA/US@EPA  
Subject: groundwater problem on Ft. Peck Reservation

As I think you are aware, one or more UIC and/or production wells appear to be contaminating a drinking water aquifer northeast of Poplar, MT. USGS has done quite a bit of research and feels they are close to identifying the source, but they are not comfortable with conclusively identifying a single source just yet. While there is probably more than one source, one of the most egregious appears to be an improperly plugged UIC well. In the meantime, drinking water wells for at least two homes are now unpotable and a third is threatened. Approximately a year ago the Ft. Peck Tribes requested some action from EPA under their emergency authority under the SDWA. EPA declined, stating that no action could be taken since the source hasn't been pinpointed. In this past year, the Na level in one homeowner's well has increased from 384 mg/l to 439 mg/l.

I talked to a somewhat irate homeowner yesterday, and then to his lawyer who would like to know what EPA can do. Can you all help me understand at what point we might be able to take some action? The area of contamination is now 12 square miles and remediation of the water is probably out of reach, but we could replug the likely source of contamination and prevent further degradation. Without some action, families will have to move elsewhere as not even in-home treatment systems can handle the levels of contamination being approached.



Paul Osborne  
08/25/98 02:30 PM

To: Douglas minter, barbara burkland, carol bowden, sharon kercher, jim boyter, david hogle, Paul Osborne/P2/R8/USEPA/US

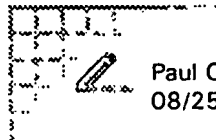
cc:

Subject: Re: groundwater problem on Ft. Peck Reservation

Sorry about the resend. I am working at home and the bandaid access system is very difficult and confusing. I saved this as a draft and it sent it instead. I have added several things to my original draft. See below.

Paul

Paul Osborne



Paul Osborne  
08/25/98 09:03 AM

To: Douglas Minter/P2/R8/USEPA/US, barbara Burkland, carol bowden, sharon kercher, jim boyter, david hogle

cc:

Subject: Re: groundwater problem on Ft. Peck Reservation

Douglas/Barbara:

I appreciated the opportunity to receive an update on the Ft. Peck situation. I have several comments which I hope you may find useful. I certainly agree that the oil activities appear to be causing a problem based on the increased temperature. I suspect that one of the potential sources is the Dakota formation which has become highly overpressured as a result of increased disposal after the Tribe halted injection into the Judith River Formation several years ago. The overpressured areas could result in significant fluid movement up improperly completed production or injection wells.

I am interested in learning more about the specifics of the USGS study to identify the actual pathways of contamination. This is a difficult task, especially if we have to go the enforcement route to obtain remedial action from one or more operators. I was involved in a case like this in Wyoming and it was not possible to pinpoint the actual cause. The case was thrown out of court. I would assume that the USGS and or the Tribe are reviewing actual well files to identify which wells have known inadequate cement in addition to their water quality sampling. As I indicated in our 1997 letter to the Tribal Attorney, this information is needed along with the water quality data to hone in on which wells should be targeted for a closer look. I would suggest that we look at that letter and determine if a follow up is needed.

In reference to our letter and the statement that the main source of contamination is an improperly plugged injection well, at this point no one has responded with any data or antedodal information that would allow us to know that this well is, in fact, a source of the problem. The information that is in the Region's files indicates that the well is properly plugged. If it is assumed that the well is not properly plugged, it would be necessary to drill out the existing. Unless there is no plug in the hole, it will not be possible to determine if the well was, in fact, not properly plugged. A new plug

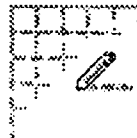
would then have to be set. I would not want to try to recover costs from an operator in such a situation. This would leave the Region or the Tribe to bear the cost. Based on the continued concern that this well is not properly plugged, it would be helpful if the Tribe or Montana Operations staff would articulate the basis for this belief. This might provide a basis for some further action relating to the well in question.

Another option relating to the plugged well is for the Operations Office to try to obtain funds for the BLM or HQ to drill out the plug and set a new one. This would establish a known condition: that the new plug was adequate. It would be some time, however, before it was evident that the problem had been solved. In any case, it would be very costly to demonstrate that the well in question was the problem.

Please let me know if I can do anything to help resolve this issue. I would be glad to discuss this issue with Tribal staff.

Thanks

Paul O  
Douglas Minter



Douglas Minter  
08/20/98 10:38 AM

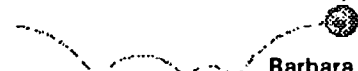
To: Paul Osborne/P2/R8/USEPA/US@EPA  
cc:  
Subject: groundwater problem on Ft. Peck Reservation

Paul - here is Barbara Burkland's summary of the situation. Please copy me on any response you provide. You may want to copy the other folks too.

thanks,

Douglas

----- Forwarded by Douglas Minter/P2/R8/USEPA/US on 08/20/98 10:40 AM -----



Barbara Burkland 08/20/98 09:10 AM

To: Douglas Minter/P2/R8/USEPA/US@EPA, William Engle/MO/R8/USEPA/US@EPA  
cc:  
Subject: groundwater problem on Ft. Peck Reservation

Sorry I forgot to include you both yesterday.

----- Forwarded by Barbara Burkland/MO/R8/USEPA/US on 08/20/98 09:19 AM -----



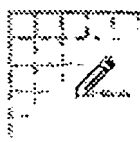
Barbara Burkland 08/19/98 11:53 AM

To: Carol Bowden/ENF/R8/USEPA/US@EPA, Barbara Conklin/ENF/R8/USEPA/US@EPA  
cc: Sharon Kercher/ENF/R8/USEPA/US@EPA, John Wardell/MO/R8/USEPA/US@EPA, Jim Boyter/MO/R8/USEPA/US@EPA  
Subject: groundwater problem on Ft. Peck Reservation

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I talked to a somewhat irate homeowner yesterday, and then to his lawyer who would like to know what EPA can do. Can you all help me understand at what point we might be able to take some action? The area of contamination is now 12 square miles and remediation of the water is probably out of reach, but we could replug the likely source of contamination and prevent further degradation. Without some action, families will have to move elsewhere as not even in-home treatment systems can handle the levels of contamination being approached.



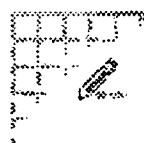
 Paul Osborne  
08/25/98 09:00 AM

To: Barbara burkland, douglas minter, david hogle, carol bowden, sharon kercher, william engle  
cc:  
Subject: Review of plugging status of Mesa Biere A-1, Ft. Peck

Hi:

Although I am in the process of putting down my thoughts regarding the recent information from Barbara Burkland, I wanted to resend my original E-mail for your information regarding the Ft. Peck situation. This is the essence of what was in the letter we sent the Tribe's attorney in October regarding the alleged, unplugged well. I am still unable to concur with that allegation based on the plugging information we have. I will attach the final letter to my new E-mail

Thanks  
Paul O

----- Forwarded by Paul Osborne/P2/R8/USEPA/US on 08/25/98 08:52 AM -----  
 PAUL OSBORNE  
10/06/97 03:25 PM

To: PEGGY LIVINGSTON, CAROL BOWDEN, BARBARA CONKLIN, DOUGLAS MINTER  
cc: DAVID HOGLE, TOM SPEICHER, JIM BOYTER, WILLIAM ENGLE  
Subject: Review of plugging status of Mesa Biere A-1, Ft. Peck

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It is important to note that both the Dakota and the Judith River Formation were used as injection reservoirs within the Ft Peck Reservation, In fact, the Dakota was overpressured as a result of injection in several areas. It is my opinion based on experience in other areas and information collected during permit reviews for wells in the Ft Peck area that a major potential pathway is improperly completed production wells. The USGS report did not focus or mention this potential pathway. The report focused on the source of the brine. I don't dispute that the injected brine could be responsible for some of the contamination. I do dispute the conclusion that the

Mesa Biere A-1 is the source of contamination.

My review of the completion and plugging records for the Biere A-1 indicate that the casing was cemented by circulation of cement to the surface. The well was plugged with sufficient cement to plug the casing from top to bottom in addition sealing the perforations. This would be considered overkill in many situations to completely cement a wellbore. I am not certain what would be gained by drilling out the wellbore. If this was done, it would be nearly impossible (if not impossible) to determine if a problem had existed. If the Tribe had data from a series of nested monitoring located near the wellbore, it might be possible to show that there was a problem. There again this would be a very difficult situation to establish clear evidence.

I would suggest that a more reasonable approach for investigating the situation would be for the Tribe to do a records search of all wells in the general area to identify wells which might have questionable cementing across the Dakota and or the Judith River. Once again, however, pinpointing the actual pathway will be difficult without running temperature logs on a large number of wells identified as candidates.

In closing, I would restate that I think surface disposal remains in my mind as a major source of contamination. The USGS report did not mention a major type of surface disposal that occurred on the reservation. This was spillage (or perhaps deliberate dumping) of brine from trucks hauling water to disposal wells. I witnessed such activity myself when I was doing our Judith River Study. I also heard stories from Tribal inspectors of the widespread nature of such activities. The salts from this activity could still be leaching out into the surficial aquifer.



2horses@nemontel.net on 09/04/98 08:18:28 AM

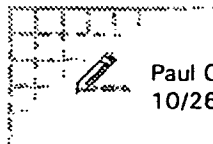
To: bowden.carol  
cc:  
Subject: interview with trauser

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carol, hope you can read this file, corel 8 wordperfect files




- trauserint.wpd



Paul Osborne  
10/26/98 08:42 AM

To: Carol Bowden/ENF/R8/USEPA/US@EPA  
cc: David Hogle/P2/R8/USEPA/US@EPA

Subject: Re: Fort Peck Contamination 

I am calling Jim Boyter this week. I talked to her last week about the disposal of the desil drilling fluid. I just wanted to make sure that she identified the drinking water wells specifically. I presume that some of the USGS wells were for drinking water but they are not clearly flagged with yield or usage.

Thanks  
Paul  
Carol Bowden



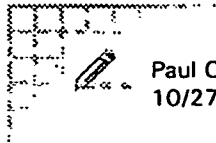
Carol Bowden  
10/26/98 08:34 AM



To: Paul Osborne/P2/R8/USEPA/US@EPA  
cc:

Subject: Re: Fort Peck Contamination 

AS I told you last week, she is already working on getting information on wells that are not already listed in the USGS report for that first area. Let's work on them one at a time. I thought you said you were going to call her this week???



Paul Osborne  
10/27/98 03:03 PM

To: carol bowden, barbara burkland, jim boyter, jim eppers  
cc: david hogle, barbara conklin, dan jackson  
Subject: Ft. Peck Ground-water contamination

Carol:

I have looked again at the files regarding the Mesa Biere A-1 and the wells around it, including the plugging record for the nearby Juniper #1 in section 21. Based on the construction details of the wells, it is not presently possible to identify a specific well to target for reentry. I do not see evidence from any of the wells looked at so far to warrant ordering an operator to take corrective action. The data collected by the USGS, including the geophysics is too general to pinpoint a specific target. The wells in sections 21, 22, and 27 all have adequate surface casing to protect the surface aquifers, except the Biere #A-1 and the relief well. These two wells, however, have longstring cemented to the surface. If this cementing was a problem, I would expect to see evidence at the surface adjacent to the wellbore. Before we order reentry of a well, we need more certainty that we will be able to demonstrate a problem once the well is reentered. Once the well is reentered it will probably be necessary to run a temperature survey of that well to determine if there is a problem.

As I indicated, in looking at the Mesa Biere #1 SWD, I see a record of longstring cemented to the surface. If the plug has failed, this well should be flowing at the surface. After discussing the issue at length with Tom Richmond and Jim Boyter, I strongly suspect that the relief well was drilled to facilitate plugging the Mesa 1-22 production well. I can not imagine that there would have been a problem shutting in the 900 foot disposal well. They could have set a bridge plug very easily. They plugged the production well, however, I without pulling the tubing which indicates that they may have been having problems. We do not know the location of the relief well which might also be the source of the problem. Tom Richmond indicates that the Charles wells in this area have an unusually high bottom hole temperature. If flow was coming from the Charles reservoir, this might account for the large increase in temperatures we are seeing in the shallow wells. I have some skepticism regarding the assumption that the Judith River is the single source of the hotter water. The injection has been shut-in since 1984 and the temperature in the Judith River should have gone back to ambient conditions.

As I see it we have two options:

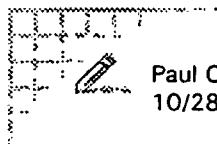
1. Conduct further studies in the area to pinpoint the actual problem well or wells. I would recommend use of a closely spaced electro-magnetic survey of an area which includes the wells located in the area of sections 21, 22 and 27. I would suggest starting with a grid set on 100 ft. centers. Smaller spacing in some areas would be undertaken based on the results of the initial grid. Staff at Montana Tech, indicate that such a study might cost \$50,000-\$75,000. This would depend on the size of the study area. It may cost less if the initial results in the immediate vicinity of the wells pinpoints a problem.

I don't know if we could order an operator to conduct such an investigation based of the limited information we have at this time. If an operator chose to challenge our order, it could be a very slow process. I would recommend that we try to obtain funds from either HQ or the Regional Wellhead program and try issuing a grant to the Montana Bureau of mines and Geology to carry out the work as soon as possible.

2. Issue an order for an operator to reenter all the wells in these three sections. This will be difficult because there is no basis for specifically targeting any of the wells. Additionally, drilling out the Mesa Biere #A-1 and perhaps others, will be difficult. If the drill bit kicks out of the hole, which is very possible, we will never be able to get back in to drill out the remaining plug. It would then be necessary to drill alongside and try to recement from TD to surface. This is an expensive and risky proposition. There would be a very small chance for demonstrating that this well was a problem. I doubt whether any operator would agree to an open ended fishing expedition that this process would entail.

In summary, I would recommend that we continue to collect construction information while proceeding quickly to obtain funding to carry out a site specific geophysical investigation of the field to try to identify the source of the alleged problem in the vicinity of the Mesa wells. Additionally, we need to also consider targeting some of other areas in the overall problem area for a closer spaced EM survey as part of the specific study of the area in sections 21, 22, and 27. This would require coordination with the USGS and the tribe to identify areas where a closer grid spacing might help us.

Paul Stephen Osborne



Paul Osborne  
10/28/98 02:07 PM

To: Carol Bowden/ENF/R8/USEPA/US@EPA  
cc: Jim Eppers/ENF/R8/USEPA/US@EPA, David Hogle/P2/R8/USEPA/US@EPA, Dan Jackson/P2/R8/USEPA/US@EPA, Jim Boyter/MO/R8/USEPA/US@EPA, Barbara Burkland/MO/R8/USEPA/US@EPA

Subject: Re: Ft. Peck Ground-water contamination

Carol:

The problem is doing something quickly. The USGS can not produce an interpretative report quickly enough. The geophysics the USGS did was on very large grid centers. To identify actual sources, we need a very small grid size of 50 to 100 foot centers. This will show brine pit locations, etc. It has been used in Okla to find evidence of a leaking well. The tribe could help us gathering the well file information. Also could the tribe give a grant to Montana Tech to conduct the geophysics. Tech has done this in other locations around the State. It would seem that since the tribe is anxious to find a responsible party that this would be a logical place for them to invest some money. What do you think?

Carol Bowden



Carol Bowden

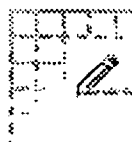
10/28/98 01:57 PM



To: Paul Osborne/P2/R8/USEPA/US@EPA  
cc:

Subject: Re: Ft. Peck Ground-water contamination

I know the USGS has been working with the tribe, could they do any of the work to get the information we need. I do not know what type of arrangement the tribe has with USGS. Maybe we should have conference call next week and talk further.

 Paul Osborne  
10/29/98 04:11 PM

To: Carol Bowden/ENF/R8/USEPA/US@EPA  
cc: Jim Eppers/ENF/R8/USEPA/US@EPA, David Hogle/P2/R8/USEPA/US@EPA

Subject: Re: Ft. Peck Ground-water contamination 

Carol:

I certainly don't object to this but I wonder how quickly we could get this task completed using the order. I would anticipate the possibility of a lot of resistance. It will take some time to simply identify and tap operators with direct liability. I am also concerned that this removes us from direct control of the scope and quality of the resulting study. I would suggest that we might want to explore our own funding options concurrent with proceeding down the order path.

Thanks Paul  
Carol Bowden




**Carol Bowden**

10/29/98 10:34 AM



To: Paul Osborne/P2/R8/USEPA/US@EPA  
cc:

Subject: Re: Ft. Peck Ground-water contamination 

Sharon suggests that we file the 1431 listing all possible parties and have them perform the studies needed along with providing bottled water to the contaminated homes. I left a message for Jim Eppers to look into how broadly we can use 1431.





**Carol Bowden**

10/30/98 11:06 AM



To: 2horses@nemontel.net, Engle.Bill@EPAMAIL.EPA.GOV @ EPA, Jim Eppers@EPA, Barbara  
Burkland@EPA, Barbara Conklin@EPA, Jim Boyter@EPA, Paul Osborne@EPA, Carol Bowden@EPA  
cc:

Subject: Fort Peck Contamination

It's time for another conference call. How does Wed. or Thur. (Nov. 4 or 5) next week look?



2horses@nemontel.net on 10/30/98 12:48:02 PM

To: Bowden.Carol  
cc:  
Subject Re: Fort Peck Contamination  
:

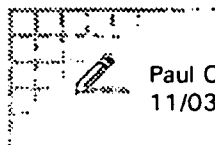
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Carol, wednesday is the best day for the call, deb

At 11:06 AM 10/30/98 -0700, you wrote:

> It's time for another conference call. How does Wed. or Thur. (Nov. 4 or  
> 5) next week look?

>  
>  
>  
>



Paul Osborne  
11/03/98 11:22 AM

To: Carol Bowden/ENF/R8/USEPA/US@EPA, Barbara Conklin/ENF/R8/USEPA/US@EPA, Jim Boyter/MO/R8/USEPA/US@EPA, Jim Eppers/ENF/R8/USEPA/US@EPA  
cc: David Hogle/P2/R8/USEPA/US@EPA, Dan Jackson/P2/R8/USEPA/US@EPA, Barbara Burkland/MO/R8/USEPA/US@EPA, William Engle/MO/R8/USEPA/US@EPA  
Subject: Ft. Peck-Potential contamination

Carol

I understand the push to issue an order and perhaps count a bean, but I continue to be uneasy about rushing to order an operator to do something like entering a specific well or even running a survey to determine specific contaminant sources. At this point, I do not feel confident that we know which operator may be responsible. In a sense, the BLM/MMS/BIA may be partially responsible since they approved the casing and plugging plans. Although some of the Mesa wells in section 22 do not have the type of plugs that I would like, they appear to be properly cased and cemented. The specific problem in Section 22 may be a well in Section 23, as you will learn below. I continue to believe that the Tribe should be asked to assist in this effort by pulling files for all wells in the field to determine if any wells are not adequately cased or plugged. This will allow us to determine where more detailed geophysics are needed before we proceed. I believe that we need to assess the entire problem in a concerted effort, not a piece meal effort.

A case in point is somerecent information pulled at my request by Jim Boyter of the Montana Office. Jim sent me a record of a Murphy well drilled to the Judith River in 1952 for gas exploration. The well was dry and was plugged (Murphy 3-G-Section 23, T28N, R51E) on January 15, 1953. The well was drilled to 854 feet with surface casing set to 65 feet. The well was plugged by placing 10 sacks at the base of surface casing. The remainder of the hole has no casing or plug. This would seem to be a problem given the overpressured Judith River in Section 22. Several questions come to mind:

1. Is Murphy still responsible given the age of the well and approval of the plan by the BLM/USGS?
2. What is the role of Mesa who operated an injection well in Section 22 which pressured up the Judith River?
3. How many more of these wells are located in the field?

It is unfortunate that the Ft. Peck Tribe did not respond to our letter sent last October by doing the survey of wells that I recommended. We would be much farther ahead. I would recommend that we send a follow up letter requesting that they carry out a detailed review of all of the wells in the field to identify suspect wells. It would be sufficient to simply collect completion (casing size and depth and amount of cement, and type and location of plugs) information, well status, depth of well and location. I also continue to recommend that we use a University or independent contractor to collect the geophysics before proceeding with an order.

I hope this information is of use to you. I will continue to review the remainder of the information Jim sent me.

Thanks Jim

Paul Stephen Osborne



**Carol Bowden**

11/03/98 01:09 PM



To: Paul Osborne@EPA, Barbara Burkland@EPA, William Engle@EPA, Jim Boyter@EPA, Jim Eppers@EPA, Barbara Conklin@EPA, Carol Bowden@EPA, 2horses@nemontel.net

cc:

Subject: Conference Call

I have place an order for a conference line with the communication center at HQ (it is all automated now, you do not talk to a liver person), but I have not received the confirmation they stated they would send. At present the call is set for 10 a.m. Wednesday November 4, 1998, for one hour.

Is this time still O.K. with all?? It appeared so from the replys I received from my message. I will call and see if there is a way to confirm and send out the call in number as soon as I get it.



**Carol Bowden**

11/03/98 01:13 PM

To: 2horses@nemontel.net, William Engle@EPA, Jim Eppers@EPA, Jim Boyter@EPA, Barbara  
Burkland@EPA, Carol Bowden@EPA, Barbara Conklin@EPA, Paul Osborne@EPA  
cc:  
Subject: Fort Peck Contam. Conference Call

I just received a confirmation on the call lines. The call in number will be (202) 260-8330, the  
access number is 3091#.



**Carol Bowden**

11/12/98 03:27 PM



To: Jim Boyter@EPA, William Engle@EPA, Paul Osborne@EPA, Jim Eppers@EPA

cc:

Subject: Ft. Peck Contamination

Just a reminder that I need from Paul and Jim each their needs for well information to be secured from the well owner/operators to assist us in determining the source of the contaminations occurring. Once we have this information a draft Order can be written for review.

Debi Madison also is going to provide some information she is putting together on well cementing and on water wells that have not been contaminated to date, by are soon to be affected.



**Jim Boyter**

11/17/98 08:18 AM



To: Carol Bowden/ENF/R8/USEPA/US@EPA  
cc: Paul Osborne/P2/R8/USEPA/US@EPA

Subject: Re: Ft. Peck Contamination 

Carol,

I'm sure Paul will outline all our needs, The needs that are most obvious are: (1) Well completion reports with CBLs, temperature surveys, and/or RATS where available, (2) Repair and rework records including any additions or alterations to the cementing and/or casing (squeezing, plugs, linings, perforations, etc.), and (3) Detailed records of plugging and abandonment where available (Official reports, operators log, cementing report, etc.).

Thanks,  
Jim .



To: Carol Bowden/ENF/R8/USEPA/US@EPA  
cc:

Subject: Lease records, East Poplar Field, Montana

I have verified all lease records in our files and indicated them by coloring in the respective areas on land map in blue color.

Talked with Stoney Aktel, BIA, Fort Peck, Montana regarding missing lease records. The following is a tabulation regarding same:

Section 14 - missing lease info for NE 1/4, he will copy and send.

Section 20 - All records are in storage in Albuquerque in the Office of Special Trustee, Department of the Interior. We must contact them for copies.

Section 21 - Stoney will search for lease records for the 3047 - 1 well. No other leases issued.

Section 22 - S 1/2, SE 1/4, no lease ever issued.

Section 23 - Old BLM ownership, transferred to tribe under Submarginal Land Act - 1977.  
BLM office, Miles City, has all records. *BIA HAS ALL RECORDS UP TO 78 - BIA HAS NEW STUFF*

Section 27 - All records are in storage in Albuquerque at Office of Special Trustee.

Section 28 - One lease, records in storage at Office of Special Trustee.

*B*  
AREA DIRECTOR - KRITH BEARTUSK -  
316 N. 26<sup>TH</sup> ST  
BILLING, MT 59101  
BIA - CLARK MADISON - BIA - REALTY DIV.  
BILLING, MT OFFICE HAS HISTORICAL DATA BASE  
406 - 247 - 7935

MS DONNA ERWIN - DIRECTOR

MS ~~MARGARET~~ WILLIAMS

DIVISION CHIEF FOR TRUST FUNDS ACCOUNTING  
→ OFFICE OF TRUST FUNDS MANAGEMENT  
505 MARQUETTE NW SUITE 1000 -  
ALBUQUERQUE 87102

PAONE - 505 - 248 - 5723

RAX - 505 - 248 - 5704



2horses@nemontel.net on 02/23/99 07:43:07 AM

To: bowden.carol  
cc:  
Subject: benzene thoughts  
:

---

Carol, thought you might like to see these thought from joanna thamke, deb  
> To: 2horses@nemontel.net  
> Subject: benzene thoughts  
> Date: Mon, 22 Feb 1999 14:34:00 -0700  
> From: "Joanna N Thamke, Hydrologist (Geo), Helena, MT " <jothamke@usgs.gov>  
>  
> Deb-  
>  
> Have talked with a couple folks about the benzene analysis for Trottier's  
> well. A couple issues that have come up:  
>  
> 1) Benzene of 58 ppm is very high, similar to concentration of benzene in  
> crude oil. One would think that benzene (which is prominently in refined  
> products) would be lower in the actual brine. I tried to get concentrations  
> of benzene in brine, but been unsuccessful so far. Tom Richmond (Dept of  
> O&G) wondered if it might be a bust, or if there was an underground tank  
> nearby (I know there's no tank nearby).  
>  
> 2) Easy to volatilize benzene -- that's why it doesn't commonly show up in  
> surface water. The sampling methods that were used could have easily  
> volatilized benzene.....so that the value of 58 ppm could have been higher  
> in reality.  
>  
> 3) Benzene doesn't travel well in ground water. So, it's pretty unusual to  
> have that high of a concentration in ground water.  
>  
> Don't have any good answers to these issues. Just wanted to share them with  
> you. Give me a call when convenient. I have some ideas of things to do to  
> answer these issues.  
>  
> Joanna  
>  
>



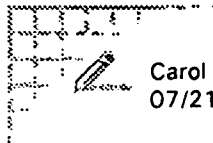
2horses@nemontel.net on 06/03/99 07:53:51 AM

To: Carol Bowden/ENF/R8/USEPA/US@EPA  
cc:  
Subject: irma reddoor  
:

---

Carol,  
the only address we would have is the land location because the rural  
addressing system only covers the active location which were determined  
last summer. She moved out several years ago from that location, sorry, deb

Spoke to Deb, 6/8/99  
Irma left residence due to unusable water.  
Residence has been vandalized since &  
is not currently habitable.



Carol Bowden  
07/21/99 08:58 AM

To: Jim Eppers/ENF/R8/USEPA/US@EPA, William Engle/MO/R8/USEPA/US@EPA, Jim Boyter/MO/R8/USEPA/US@EPA, Ken Phillips/ENF/R8/USEPA/US@EPA  
cc: Connally Mears/ENF/R8/USEPA/US@EPA

Subject: FORT PECK

Attached is the list of wells in the area of concern to date. It gives a brief synopsis of the information (mostly sundry notices to BLM or MT O&G) we have for each well. Paul Osborne is going to review this information for us. We could still use further information from MT O&G if we can arrange to get it. The information the BLM was able to assist with was minimal but very helpful. If Jim or anyone will be in the area of MT O&G offices soon, we could use more data. The information Jim sent to me was very thorough and more detailed than the BLM information. Let me know if this is possible.

I ask this because many of the companies are no longer in existence, and there will be no way to contact them to provide further data. I did thorough company and individual searches through the Information America search engine. Unfortunately, for the old companies that ceased to exist, most information has been removed from their system. I do not know if it is possible to request some information from the service companies??? A few Sundry notices mention which service companies participated in doing the actual work. Does anyone have any other ideas on this???

From: Suzanne Wuerthele on 07/21/99 01:38 PM

To: Carol Bowden/ENF/R8/USEPA/US@EPA

cc: Bob Benson/P2/R8/USEPA/US@EPA

Subject: DRINKING WATER CONTAMINATION AT Ft. PECK

7/21/99

Carol,

I can't get my Wordperfect to work, so cannot send you a formal memo at this time, but will when the computer cooperates.

In the meantime, my recommendation for the short term is that showering water needn't be required for residents at the Ft. Peck Reservation in the next two weeks. But after this time, the recommendation should be reviewed to see if any further data you obtain and/or expected length of exposure should change the approach. Given your estimate of a year or more for a clean up, I recommend that you immediately look into what it would take to have some sort of showering facility set up, and advise the responsible parties that this is a possibility.

1. A wide range of estimates of exposures to VOCs from showering (and other household uses such as dish and clothes washing) with contaminated water have been identified, both by EPA and others. Many variables affect the exposures, such as shower and room configuration, water temperature, length of shower, breathing rates, volatility and water solubility of individual chemicals, etc. But generally, it is reasonable to assume that showering with water contaminated with a VOC like benzene will deliver roughly the same exposure as drinking the hypothetical two liters of water daily.

2. You have one analysis of about 10x the MCL or about 50 ug/l benzene from one of 12 potentially affected homes. Benzene is a human carcinogen, and cancer risk from exposure to it is thought to be proportional to exposure (concentration times time). However, we also suspect that exposures to sensitive members of the population (e.g., infants) might be of greater concern.

3. The average lifetime unit risk for oral exposure is  $8.3 \times 10^{-7}$  per ug/liter. Thus, at 50 ug/l, the risk for a lifetime of drinking this water is  $50 \text{ ug/l} \times 8.3 \times 10^{-7} \text{ /ug/l}$  or  $4 \times 10^{-5}$  (4/100,000). This isn't a really high risk level, but it isn't zero, our goal for a drinking water source. Thus, while I don't expect a person who drinks this for a short time to get cancer, we have set our standard to eliminate as much risk as possible, and we rightly eliminate the contamination from the drinking water as quickly as possible.

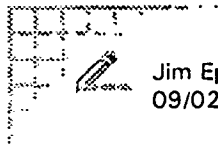
4. The risk from inhalation via showering is roughly equivalent to the risk from drinking the water. Of course, you can get into deep discussion about relative absorption from lungs vs gut, metabolism via inhalation, vs first pass to the liver etc, but in the interests of taking action, we won't.

5. If we're protecting citizens from drinking water with a cancer risk of 4/100,000, we should also protect them from a showering exposure from that same water, since it carries an equivalent risk. I realize that the dissolved solids are another reason the residents aren't drinking the water, but we are recommending they not drink it for reasons of risk. Since it's technically harder to replace showering water, and since the incremental risks of showering with water of this concentration for a short time are not very high, from a risk perspective it seems acceptable to allow for a bit more time to replace showering water. However, the goal should be to eliminate significant benzene exposure from all uses of this water in a timely manner.

6. My recommendation only considers benzene, so it will be important to get further chemical analyses. Does this water also contain ethylbenzene, xylene, toluene or hexane, as might be expected from an oil well source? Any of these would add to concerns about showering.

7. In the one home where you have identified the 50 ug/l, I recommend that good ventilation be used during dish washing and other uses which require hot water, since increasing the temperature increases the rate of volatilization of contaminants from the water. In addition, I recommend cool, minimal showers, and good ventilation of the bathroom. Certainly if there is any suggestion that concentrations of VOCs are increasing (e.g., odors, shine on the water, any skin irritation) I'd immediately cease using that water for showering or dish washing. This is because of your concern that concentrations in the plume may fluctuate, causing much higher intermittent concentrations.

Please share this recommendation with the residents, and offer them my phone number (1-800-227-8917 x6039) if they have any questions whatsoever.



Jim Eppers  
09/02/99 02:09 PM

To: Carol Bowden/ENF/R8/USEPA/US@EPA  
cc:

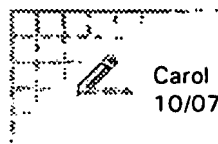
Subject: benzene is bad

I looked at 141.32(e)(5) which had some good language. But in surfing the net I got the following blurbs (bolded) from the Canadian Centre for Occupational Health and Safety (CCOHS):

Benzene is a known human carcinogen. **A causal relationship between benzene exposure and leukemia has been clearly established. Benzene exposure has also been associated with cancer of the lymph system (lymphoma), lung cancer and bladder (urothelial) cancer.** Benzene may increase the risk of cancer in humans who are exposed at lower levels over long periods of time.

What do you think? Do you want to run this by Bob?

Jim



Carol Bowden  
10/07/99 09:52 AM

To: Nathan Wiser/ENF/R8/USEPA/US@EPA  
cc: Jim Eppers/ENF/R8/USEPA/US@EPA

Subject: Contacts from the Murphy et al 1431

On October 6, 1999 I was contacted by:

W.R. Grace 's Environmental Attorney - David Cleary from Memphis, TN, at (901) 820-2039  
He was calling to make the 48 hour contact requirement. When I called his office back he was out  
ill, his secretary said he would contact us as soon as he returned to the office.

Pioneer's Steve Leifer with Baker and Botts law firm called, with a person called John Ross from  
Brown? and Jennifer Frye from Pioneer. I was not in an they left a message they would try back.  
Steve Leifer called me back October 7, 1999. see below. Steve Leifer's phone number is (202)  
639-7723 in DC.

A James Bain in house attorney for Murphy called from El Dorado, AK. He was looking form  
information on a couple of the other companies, AMARCO and EPEC Altamont, I didn't have the  
final mail -out list, so I passed it along to Nathan. He tried to ask questions about the Benzene  
sampling and the definition of endangerment. I told him that benzene had been found in several  
samples and that we would proceed with further sampling. I told him the SDWA required a show of  
imminent and substantial endangerment at present or in the future and we felt he could show that.  
He tried to get me to further discuss endangerment and I referred him to our attorney for that  
discussion. His phone number is (870) 864-6485.

On October 7, 1999, I was contacted by :

Steve Leifer again representing Pioneer, he stated he was working on the getting the alternative  
water to the residence. He stated that they had plugged their wells in 1984 and had no one in the  
area, so they we trying to contact Murphy to help get the water supply set up. He realized they  
needed to get this done very soon and that they would then work on getting field information  
collected. He wis with Baker & Botts in DC at (202) 639-7723.

I have since had a message from Marathon's attorney Candice Walker, wanting to make sure they  
made their 48 hour contact, and she would call me back soon. Her Number is (713) 296-2533.





Jody Ostendorf

10/14/99 03:34 PM



To: Nathan Wiser/ENF/R8/USEPA/US@EPA  
cc:

Subject: Suggested Tough Questions

Thanks for faxing that Order to Wendy. I've attached a copy of a recent tribal enforcement case's comm strat. It's not in the suggested format, because it was an update from an older one (the case was 10 years in the making), but you might get some ideas from the messages...

Also, here are a few questions you may want to be prepared to answer. See you tomorrow around 9:25!

1. If an emergency administrative order was issued to the oil companies at the end of September, why were the families in the 18 at-risk residences still drinking the contaminated water on October 14th?
2. If they can't drink their tap water, is it safe for bathing? Is it safe to eat vegetables grown in gardens? If they bring the tap water to a boil, is it safe to cook with it?
3. Has anyone gotten sick/dehydrated/cancer from drinking the contaminated water?
4. The Benzene level is up to 16 times higher than its MCL, and the area's ground water TDS level is up to nine times higher than the threshold of 10,000 mg/L where people can suffer diarrhea and severe dehydration. How long has this been going on? Why did it take EPA so long to act?
5. If the Benzene and TDS levels are so high, there must be other contaminants in the ground water. Is there anything else in the water residents should be concerned about?
6. Who will pay to clean up the plume and create a permanent alternative water supply?
7. Is the plume moving? If so, are the 2,000 residents in the nearby town at risk?



turtlecomm.stratu



Steven\_Leifer@bakerbotts.com on 10/15/99 12:16:27 PM

To: Nathan Wiser/ENF/R8/USEPA/US@EPA  
cc:  
Subject Two Housekeeping Matters  
:

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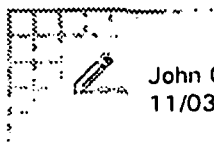
Nathan: Couple of housekeeping matters:

First, would you please add Pioneer's local counsel to your contact list, so that he can receive distributions from your office along with Jennifer Fry and myself? Here is his contact information:

John W. Ross  
The Brown Law Firm  
315 N. 24th Street  
P.O. Drawer 849  
Billings, Montana 59103-0849  
406-248-2611  
fax x-3128  
jross@brownfirm.com

Second, please note that the real party in interest for Pioneer is Pioneer Natural Resources USA, Inc. All future correspondence, orders, etc., should reflect that name. Pioneer Natural Resources Company is a parent company, and does not have a direct interest in the wells at issue. Thanks for making these changes, and if you have any questions, please let me know.  
SLL

E-mail



John Gillis  
11/03/99 07:23 AM

To: Carol Bowden/ENF/R8/USEPA/US@EPA  
cc:

Subject: RE: Wolf Point

----- Forwarded by John Gillis/ENF/R8/USEPA/US on 11/03/99 07:23 AM -----  
epizzini@state.mt.us on 11/02/99 04:22:21 PM



To: Jay Sinnott/MO/R8/USEPA/US@EPA, jcamden@state.mt.us, jmelstad@state.mt.us,  
epizzini@state.mt.us  
cc: John Gillis/ENF/R8/USEPA/US@EPA

Subject RE: Wolf Point  
:

---

Jay,  
In response to your request, here are the non-compliance results I was able  
to find for this system.

- LCR, corrosion control was installed to deal with a copper exceedence. The system should be re-collecting baseline data this year. They should have collected the first, 6 month, round the first half of this year. The database does not currently show results for this period. They may have failed to sample or the sample results have not been entered for some reason. They should also be collecting Pb and Cu samples between July 1 and December 31, 1999.
- They have a non-significant monitoring violation for failure to collect a VOC in 1998. This sample would have completed 3 consecutive samples allowing them to reduce to 1 set of samples every 3 years.
- Our database currently has no information listed for a 1995 nitrate sample. They have since returned to compliance.

If there is anything else I can do or if you have questions, please let me know.

Thanks,  
Gino

-----Original Message-----

From: Sinnott.Jay@epamail.epa.gov [mailto:Sinnott.Jay@epamail.epa.gov]

Sent: Monday, November 01, 1999 2:42 PM  
To: jcamden@state.mt.us; jmelstad@state.mt.us; epizzini@state.mt.us  
Cc: Gillis.John@epamail.epa.gov  
Subject: Wolf Point

Is Wolf Point having any compliance problems? John Gillis was asked to advise the enforcement people involved in negotiations (probably unrelated to PWS).  
Thanks.

Nathan Wiser  
10/12/99 02:53 PM

To: sleifer@bakerbotts.com, David.Cleary@grace.com, jdf@dn.zhgm.com, cjwalker@marathonoil.com, pggpitet@marathonoil.com, james\_baine@murphyoilcorp.com, sterup.rob@dorseylaw.com, fryj@pioneernc.com

cc:

Subject: Follow up to Safe Drinking Water Act Emergency Order Docket #SDWA-8-99-68

Greetings to all the receiving Respondents,

My name is Nathan Wiser. I am the lead environmental scientist involved from EPA Region 8 (Denver) regarding the subject Emergency Order issued under Section 1431 of the Safe Drinking Water Act on September 30, 1999. Carol Bowden, my office mate, was the lead environmental scientist and she largely developed the Order. This Order has been given to me to take as the lead. Please realize that I am not the attorney involved in this issue from EPA. Rather, I am a geologist by training and am now the lead environmental scientist.

My primary reason for this message is to help you, as Respondents, to communicate among yourselves. I've taken it upon myself to gather pertinent information together about each Respondents' name, address, telephone and fax numbers and email addresses. I am sending the information I have gathered to date to each of you so that you can contact each other, if you haven't already, and agree amongst yourselves as to who will do what and by when.

I expect that you as Respondents take seriously the conditions of the Order. At this moment, I am particularly interested in any progress you have made toward providing an alternate water supply to the residences named in Section 1(A) of the Emergency Order (on pages 11-12). On October 7, 1999, I sent each of those residences a letter informing them in general terms about the subject Order. I explained that you all are expected to provide them water to use for drinking and cooking (i.e. at least 1 gallon per day per person), and that they should therefore welcome any water you will supply.

I do not know the exact number of occupants in each household. I realize that this information is helpful to calculate the actual minimum number of gallons to be provided to each household. In the absence of such information I suggest one of two possibilities:

1. Contact each household and determine how many people reside there (I do not have phone numbers and I am not certain that each house has a telephone), or
2. Assume that eight (8) people live in each house. This would translate to 8 times 18, or 144 gallons, of drinking water per day among all the residences. If, after actually supplying water for some time, you learn a more accurate number (higher or lower), then you may feel justified to modify the volume of water you are supplying.

As you know, the condition of the order at Section 1(A) (page 11) specifies that the "Respondents shall immediately provide an alternate source of water". I expect that the term "immediately" means the same to most people: *without delay*. Webster's Dictionary provides exactly this definition: namely "without delay". Further, Roget's Thesaurus offers several different terms having comparable meaning including "instantaneously", "suddenly", and "abruptly". I expect it is

possible to provide an alternate water supply, as ordered, within a couple of days. Certainly if there is no alternate source of water delivered to these residences by October 15, 1999, then I would be inclined to believe that you are not complying with the term "immediately", in the context of Section 1(A) of the Emergency Order (page 11).

I would appreciate being kept informed about this progress. I will do my level best to help you all communicate. In that vein, please find the two attachments. The attached files are really the same file, saved in two formats: WordPerfect (for windows) and Word (for windows).

Yours truly,

Nathan M. Wiser

(303) 312-6211  
(303) 312-6409 Fax  
wiser.nathan@epa.gov



respondadd.w respondadd.d

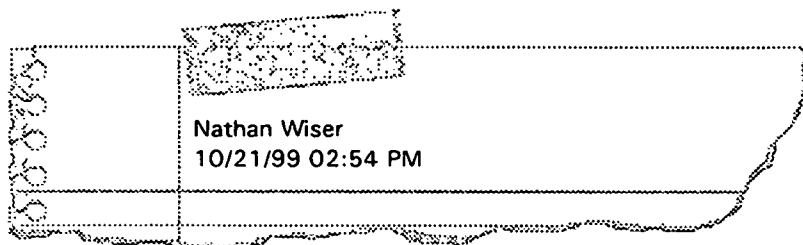
SDWA §1431 Emergency Order Docket #SWDA-8-99-68 Contacts

Respondent	Mailing Address	Individual	Phone/Fax/Email
Murphy Exploration and Production Company	Murphy Explo. & Prod. Co. 200 Peach Street El Dorado, AK 71730	James E. Baine, Esq.	(870) 864-6485 (870) 864-6489 Fax james_baine@murphyoilcorp.com
Murphy Oil USA, Inc.			
Murphy Oil Corporation			
Pioneer Natural Resources Company	Baker & Botts LLP The Warner 1299 Pennsylvania Ave NW Washington, DC 20004-2400	Steve Leifer, Esq.	(202) 639-7723 (202) 639-7890 Fax sleifer@bakerbotts.com
	Pioneer Natural Resources USA Inc. 1400 Williams Square West 5202 North O'Connor Blvd. Irving, TX 75039-3746	Jennifer Fry, Esq., Snr. Atty.	(972) 969-3648 (972) 969-3577 Fax fryj@pioneermerc.com
W.R. Grace and Company	W.R. Grace and Company 6401 Poplar Ave., Suite 301 Memphis, TN 38119-4840	David M. Cleary, Esq.	(901) 820-2039 (901) 820-2050 Fax David.Cleary@grace.com
	Dorsey and Whitney, LLP 401 North 31 <sup>st</sup> Street P.O. Box 7188 Billings, MT 59103	Robert Sterup, Esq.	(406) 252-3800 general line (406) 252-7613 direct line (406) 252-9480 fax sterup.rob@dorseylaw.com
AMARCO Resources Corporation			
EPEC (El Paso Energy Corp) - Altamount Corporation	El Paso Energy Corp. 555 17 <sup>th</sup> Street, Suite 2600 Denver, CO 80202	John Fognani, Esq.	(303) 382-6207 (303) 382-6210/6211 jdf@dn.zhgm.com
Marathon Oil Company	Marathon Oil Company Law Organization P.O. Box 4813 Houston, TX 77210-4813	Candance Walker, Esq.	(713) 296-2533 (713) 296-2581 Fax <10pg (713) 296-2952 Fax >10pg cwalker@marathonoil.com
	Marathon Oil Company Law Organization 1501 Stampede Avenue Cody, WY 82414-4721	Patrick Pitet, Esq.	(307) 527-3275 (307) 527-3264 Fax pgpitet@marathonoil.com

**Delivery Confirmation Report**

Your document: Follow up to Safe Drinking Water Act Emergency Order Docket #SDWA-8-99-68  
was delivered sleifer@bakerbotts.com; David.Cleary@grace.com; jdf@dn.zhgm.com;  
to: cjwalker@marathonoil.com; pggitet@marathonoil.com; james\_baine@murphyoilcorp.com;  
sterup.rob@dorseylaw.com; fryj@pioneernc.com  
at: 04:55:27 PM EDT Today





To: sleifer@bakerbotts.com, David.Cleary@grace.com, jdf@dn.zhgm.com, cjwalker@marathonoil.com, pgpitet@marathonoil.com, james\_baine@murphyoilcorp.com, sterup.rob@dorseyllaw.com, fryj@pioneernc.com, jross@brownfirm.com, skm@dn.zhgm.com, dmassey@mssdenverlaw.com, djowens@dcf.com

cc: Jim Eppers/ENF/R8/USEPA/US@EPA, Carol Bowden/ENF/R8/USEPA/US@EPA, Connally Mears/ENF/R8/USEPA/US@EPA

Subject: Progress on the Safe Drinking Water Act Emergency Order Docket #SDWA-8-99-68

Hello to all the Recipients of the above-referenced EPA Order,

I am writing this note to you all to inform you regarding progress made on the September 30, 1999, Emergency Administrative Order (EAO).

1. By October 15, 1999, Murphy Exploration and Production Company delivered bottled water to all the 18 named residences in the EAO. Murphy has contracted with Niemont Water Supply company located in Wolf Point, Montana to deliver the water each Friday. Murphy intends to submit to all the Respondents and EPA, on an approximately monthly schedule, updates on this activity.

2. On October 21, 1999, Murphy met with EPA to discuss Murphy's plans, interpretations, and intentions regarding all aspects of the EAO.

3. EPA has compiled the administrative record for the EAO. EPA is making copies of the entire administrative record both in response to current and in anticipation of future requests under the Freedom of Information Act (FOIA). EPA expects copies to be available by the end of next week (by October 29, 1999). In the interest of tracking and also under FOIA rules, EPA requests that, if any Respondent desires a copy of the administrative record, please send a request under the FOIA (if you haven't already) to:

(a) Vicki Ferguson (303) 312-6961 (FAX), or through our webpage at <http://www.epa.gov/region08/info/foia/feedbfoi.html>, and also

(b) send a copy of the request to me at this email address or my FAX number at 303-312-6409.

4. I am attaching an updated list of contacts. It is in both Word and WordPerfect formats. This updated lists supercedes the list I sent out on October 15, 1999.


I hope this information helps.

Sincerely yours,

Nathan Wiser  
(303) 312-6211



respondadd.w respondadd.d

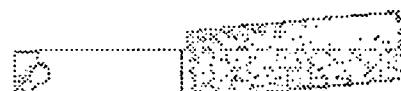
 Bo Meyer  
12/23/99 09:57 AM

To: Nathan Wiser/ENF/R8/USEPA/US@EPA  
cc:

Subject: Re: water sample run tentatively scheduled for january 3&4, 2000 

Sandra,  
Nathan asked me to answer the remaining questions you have about the sampling event. First, I want to apologize for the caps missing for the cubitainers. I will be sending a small cooler today via Fedex with the caps, a replacement for the gallon container and another set of VOA blanks. My reason for only sending one set of VOA trip blanks is because it is my preference that the VOA vials all be shipped in one cooler with that one set of trip blanks. This helps to limit the contamination exposure and also the number of analysis to be completed. With regard to the sample preservation, I had asked that the 2 mL HCl be a 1:1 concentration and that the 5 mL be concentrated HCl. The 2 mL was to be used for the VOAs and the 5 mL for the amber gallons. The written instructions with the pipets were for the 1:1 HCl in the 2 mL ampules to add 5 drops which brings the pH to <2. If indeed the 2 mL vials are concentrated then only 1 or 2 drops. Sorry again for the mix-up. Only the VOAs need to be in the enclosed plastic bags and packed in one cooler with the trip blanks also in their plastic bag. You can pack some of the cubitainers with the VOAs if there is room. The other sample containers will be fine. The custody seals are only for each of the coolers and are not necessary for each sample container. Again, sorry for the mix-ups, but we will all get this down to a science one of these days. If you have further questions, please call me and I will be happy to assist.

Thank you,  
Bo Meyer  
Nathan Wiser

  
Nathan Wiser  
12/21/99 04:39 PM

To: Bo Meyer/TMS/R8/USEPA/US@EPA  
cc:

Subject: Re: water sample run tentatively scheduled for january 3&4, 2000

I am responding to several questions posed by Sandra White Eagle who is doing the sampling up on Fort Peck.

Sandra,

1. Please collect only one liter of water (plastic cubitainer) for the inorganic parameters (Cl, SO<sub>4</sub>, HCO<sub>3</sub>, CO<sub>3</sub>, Mg, Na, K, Ca, and TDS). Refer to Appendix B in the SAP.

2. Yes, you have understood the sampling order correctly: (A) collect the first available water after

treatment, then (B) first available water before treatment, then (C) purge, then (D) a complete set of samples before treatment, then (E) a complete set of samples after treatment. See pages 5-6 in the SAP.

I am referring you to Bo Meyer at our lab to answer your remaining questions.

Bo,

There are several questions Sandra asks which I am not certain about. Can you help me out by responding to me and to Sandra? Please address the questions in her attached message which I have not covered (e.g. about the Region 8 lab equipment (glassware, trip blanks, and cubitainer caps) and the issues about the acid preservative and sample seals).

Contacts:

Nathan Wiser 303-312-6211

Bo Meyer 303-312-7764

Sandra White Eagle 406-768-5155 x.362 (or dial "0" and ask for Sandra)

--Nathan Wiser

----- Forwarded by Nathan Wiser/ENF/R8/USEPA/US on 12/21/99 04:18 PM -----  
2paints@nemontel.net on 12/21/99 03:03:43 PM



To: Nathan Wiser/ENF/R8/USEPA/US@EPA  
cc:

Subject Re: water sample run tentatively scheduled for january 3&4, 2000

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-----Original Message-----

From: Wiser.Nathan@epamail.epa.gov <Wiser.Nathan@epamail.epa.gov>

To: 2paints@nemontel.net <2paints@nemontel.net>

Date: Monday, December 20, 1999 4:04 PM

Subject: RE: water sample run tentatively scheduled for january 3&4, 2000

>

>

> Sandra,

>

> I just got off the phone with the Region 8 laboratory folks. They understand

> the difficulty in obtaining the samples from people's homes. Your proposed schedule is acceptable.

>

> Regarding the collection of the first available water, you are correct that  
that  
> is not a normal method for water collection. I was doing this to see if  
any  
> volatiles might be in the system, since homeowners would be exposed to any  
water  
> coming out of the tap. If you look closely at the SOP, you'll see that I  
call  
> for also catching a VOA sample after flowing the well for at least 3  
minutes.  
> So, you should be collecting both.

>  
> --Nathan Wiser  
> 303-312-6211

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>  
> 2paints@nemontel.net on 12/20/99 03:50:12 PM

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>  
>  
> To: Nathan Wiser/ENF/R8/USEPA/US@EPA

>  
> cc:

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>  
>  
> Subject: RE: water sample run tentatively scheduled for  
> january 3&4, 2000

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>  
> Please review the tentative schedule for sample collection for january 3rd &  
> 4th , 2000. Deb and i have discussed my reviewing your lab's sop. and i  
> mentioned that your method of collecting the first catch was different from  
> what i was trained to do, but to re-review the method and use that method  
if

> it was in your lab's sop. will meet with deb again and confer with joanna  
> thamke to do a final draft of the water sample schedule.

>  
>  
>  
>  
>  
> 12-21-99

> Nathan, 3-4 voa vials broken during shipment, also 1-gallon amber jug  
broken during shipment. in your sampling analysis plan, duplicate sampling

procedure-each sample site to have 1-liter plastic cubit , found cubies, but no caps to go with each one. Searched every cooler to no avail-do i contact the lab? Plus, if i counted the number of sites to be sampled(21 total; 10 Before's & 10 After's = 2-1-gallons, 8-40-ml vials, 4-1-liter cubits; 11 No Treatment; 1-1-gallon, 4-40ml vials, 2-1-liter cubits) i am minus 26 - 1-liter cubits. Also, each cooler must contain a trip blank to ensure cleanliness of the cooler-there are only 2-trip blanks, do i have these made up by a lab here?(might contact the IHS/PHS lab for this, if they can produce ultra-pure water.) Or will your lab send more(need 5-more)? On your procedure for residences or locations with water TX devices: am i to understand that i first collect the first catch of treated water, then move to a location before the treatment device and collect those set of samples and go back to the location after the water has been treated and finish those set of samples?

And also, do i collect a 1-liter size sample for "all inorganic parameters" - EPA methods 160.1? your sap describes a 1-gallon size, if so i need more 1-gallon amber bottles.

The preservative to be utilized describes pre-measured ampules, received 1-box/case of 24 ampules @ 2.0 ml. of conc. HCl and 2-boxes/cases of 24 ampules @ 5.0 ml. of conc. HCl. your sap states 1-ampule(pre-measured) per sample, does this include the voa's? (the lab sent dropers with hand written instructions to add 5-drops per voa vial). One last thing, do i put each sample container in it's own individual bag and then put those bagged containers per cooler into one large clear plastic bag to ensure the integrity of those samples per cooler?(if so the lab did not provide any). but they did provide custody seals-besides putting one per cooler, do i place one seal per sample vial/bottle?



tcampbell@state.mt.us on 01/24/2000 11:36:17 AM

To: Bob Benson/P2/R8/USEPA/US@EPA  
cc: jmelstad@state.mt.us  
Subject: Info Request for Fort Peck Reservation Area Water System Data  
:

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Bob:

Per your e-mail request to Jim on 1/18/00, attached is a spreadsheet containing all chemical samples for Brockton, Poplar & Wolf Point, Montana. It is in Microsoft Excel format. You will need to save this file to your hard drive and then open in Excel. You may have to reset column widths, but it should work.

There are no organic chemical detects at any of these three systems with the exception of minor detects of trihalomethanes (primarily chloroform). If you need the organic data, it would take a bit longer, but I am sure we could provide that data as well. Let me know.

Terry Campbell  
Engineering Services Program  
Public Water Supply Section



- BENSON.txt



JLevin@enrd.usdoj.gov on 11/20/2000 02:28:51 PM

To: Steven Moores/RC/R8/USEPA/US@EPA  
cc: Nathan Wiser/ENF/R8/USEPA/US@EPA  
Subject RE: Grace Appeal  
:

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Basically, this is fine. I want to make sure I'm clear that the following text . . .

Respondents Marathon Oil Company, Murphy Exploration and Production Company, and Pioneer Natural Resources USA Incorporated have complied with the actions ordered in paragraphs B, C, D, and E.

means that all respondents are on the hook to continue doing the work under (A), providing alternative water, and that only Samson is now on the hook for the rest. Is that right?

ALSO: In my Third Circuit matter, a lot of "hay" was made out of the issue of whether EPA met its statutory duty under 1431 to indicate that it was in receipt of information "that appropriate State and local authorities have not acted to protect the health of such persons." I note that we state that EPA has primary responsibility within the exterior boundaries of the reservation, but I'm not sure that would satisfy Samson (or another appellant) if they chose to stick to the statute's literal language. Is there anyway to add a reference that directly takes this sentence of 1431 head on? Doing so would make sure that a technical side issue remained that way. (I don't know what "state" or "local" authorities have done, if anything, but theoretically the tribal government, even if not imbued with primary authority under the SDWA, would be empowered to take such actions to abate the imminent and substantial endangerment. Whether or not such actions have occurred, and whether in the judgment of EPA these actions have been adequate, is the key under that prong of the statutory section.)

-----Original Message-----

From: Moores.Steven@epamail.epa.gov  
[mailto:Moores.Steven@epamail.epa.gov]  
Sent: Monday, November 20, 2000 1:16 PM  
To: JLevin@enrd.usdoj.gov  
Subject: RE: Grace Appeal

I'm okay with it as well. I've given copies of Marraro's letter to Nathan and Jim, however Jim's out of the office at least all this week, and I'm gone until Monday. But that leaves us

with a week before the next court date, so I think we'll have plenty of time to get our order in.

Thanks

JLevin@enrd.usdoj.gov on 11/20/2000 10:56:49 AM

To: Steven Moores/RC/R8/USEPA/US@EPA

cc:

Subject: RE: Grace Appeal

Steven: As it appears from Marraro's letter to you (dated today), Grace is going to withdraw its petition once it receives the new Order. I have no problem with that.

-----Original Message-----

From: Moores.Steven@epamail.epa.gov

[mailto:Moores.Steven@epamail.epa.gov]

Sent: Thursday, November 16, 2000 9:18 AM

To: Levin, Joshua

Cc: Eppers.Jim@epamail.epa.gov; Wiser.Nathan@epamail.epa.gov

Subject: RE: Grace Appeal

Josh,



Thanks for your comments.

I think the date of issuance and filing are the same thing, since there's nothing more that has to be done once the order is put in the docket and served on the respondent. At any rate, I'll make sure the order mentions a specific date of issuance, if necessary. And I will state in the letter that it will be "issued" upon filing, or service, whichever is appropriate.

On the second point, I intentionally did not say that Grace would withdraw after receipt of the letter (or order). I listened carefully during our telephone conference, and I did not hear anyone (particularly Marraro) say that Grace would withdraw only after receiving the letter or order. I admit that's the way things really should work in this instance, but the lawyer in me didn't want to get pinned down. Obviously the timing here is such that Marraro will have received the letter before Grace withdraws.

I will also mark the letter "settlement confidential." I hope to send the letter to Marraro today.  
Do you want to see another draft before I send it off?

Steven

"Levin, Joshua" <JLevin@ENRD.USDOJ.GOV> on 11/15/2000 04:09:08 PM

To: Steven Moores/RC/R8/USEPA/US@EPA  
cc:

Subject: RE: Grace Appeal

Steve: This looks fine, with 2 notes:

First, you say that EPA will "file" its new order . . . but don't mention when it will be issued. Do you want to mention the date of issuance, or are they one and the same thing?

Second, you state that "My understanding from you is that Grace will withdraw . . ." Do you want to say "My understanding is that, following your receipt of this letter, Grace will withdraw . . ." Confidentially,  
|

noted that Marraro said nothing yesterday about his withdrawal of the petition also being w/o prejudice. That may yet come up before this goes away, but maybe it won't.  
Otherwise, go with it.

-----Original Message-----

From: Moores.Steven@epamail.epa.gov@inetgw  
[mailto:Moores.Steven@epamail.epa.gov]  
Sent: Wednesday, November 15, 2000 5:42 PM  
To: Levin, Joshua  
Subject: RE: Grace Appeal

Josh:

I've attached a draft letter to Marraro. Let me know if you have comments. I'm out Friday, so I'd like to ship it out Thursday, if possible. Thanks.

(See attached file: withdraw.wpd)

(See attached file: C.DTF)



- att1.htm

1st

Nathan Wiser  
11/30/2000 05:37 PM

To: sleifer@bakerbotts.com, David.Cleary@grace.com, cjwalker@marathonoil.com,  
pgpitet@marathonoil.com, james\_baine@murphyoilcorp.com, sterup.rob@dorseylaw.com,  
fryj@pioneernc.com, jross@brownfirm.com, dmassey@mssdenverlaw.com, doverw@pioneernc.com,  
lundk@hro.com, sid\_campbell@murphyoil.com

cc:

Subject: Second Amended Safe Drinking Water Act Emergency Administrative Order Docket #SDWA-8-99-68

This is to notify you that, on November 30, 2000, the United States Environmental Protection Agency, Region 8, signed a Second Amended Emergency Administrative Order under the Safe Drinking Water Act, Section 1431, related to groundwater contamination in the East Poplar Oilfield, Roosevelt County, Montana. Today's action changes the named Respondents on the Order to add Samson Investment Company and Samson Hydrocarbons Company while removing W.R. Grace & Co.-Conn. This now results in the following companies being named as Respondents:

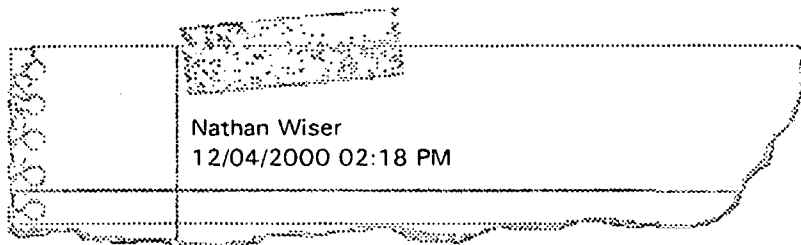
- AMARCO Resources Corporation
- Marathon Oil Company
- Murphy Exploration and Production Company
- Pioneer Natural Resources USA Inc.
- Samson Hydrocarbons Company
- Samson Investment Company

All remaining provisions of the existing Order (i.e. the First Amended Emergency Administrative Order) remain unchanged. Copies of today's action are being mailed to each Respondent.

This email is for informational purposes only.

--Nathan Wiser, Environmental Scientist  
EPA, Region 8  
(303) 312-6211

For legal questions, please contact  
Jim Eppers, Legal Enforcement Attorney  
(303) 312-6893



To: Jim Boyter/MO/R8/USEPA/US@EPA  
cc:

Subject: Re: Second Amended Safe Drinking Water Act Emergency Administrative Order Docket  
#SDWA-8-99-68

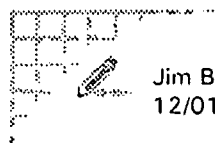
Jim,

I believe 8MO was included, informally, in the concurrence on the Sept. 30, 1999 Order. But no other concurrences from 8MO have been sought since (the Nov. 5, 1999 First Amended Order, or the Nov. 30, 2000 Second Amended Order). We are planning additional Orders (or Order Amendments). Do you feel that 8MO needs to concur? If so, why?

--Nathan  
303-312-6211

2<sup>nd</sup>

Jim Boyter



To: Nathan Wiser/ENF/R8/USEPA/US@EPA  
cc:

Subject: Re: Second Amended Safe Drinking Water Act Emergency Administrative Order Docket  
#SDWA-8-99-68

I do not have a comment on the amended AO as I have never seen it.

I do have one question though. Was montana office concurrence secured on the AO, either this amendment or the original AO?. Maybe is was and I was just left out of the loop. But, it is I who usually prepares the concurrence memo for AO's in Montana which are UIC related , so I just wondered. Did John Wardell concur himself?

Jim Boyter  
12/05/2000 10:31 AM

To: Nathan Wiser/ENF/R8/USEPA/US@EPA  
cc:

4<sup>th</sup>  
Subject: Re: Second Amended Safe Drinking Water Act Emergency Administrative Order Docket  
#SDWA-8-99-68

The Delegations Manual, Region 8, for Administrative Enforcement Actions under the SDWA delegates these actions as follows:

"a. For actions in Montana, jointly to supervisors in the Legal Enforcement Program (LEP) and either supervisors in the Technical Enforcement Program (TEP), Office of Enforcement, Compliance and Environmental Justice (ECEJ); or supervisors in the EPA Montana Office.

b. For all other actions, jointly to supervisors in LEP and supervisors in TEP."

Each delegation also includes the following :

"3. LIMITATIONS.

b. The above authorities apply only for those cases initiated by the Region.

c. The delegates must consult with Regional Counsel before exercising the above authorities.

d. This delegation does not apply to cases where a State or Tribe has primary enforcement authority under an EPA-authorized program.

e. The Montana office supervisor or designee must obtain the concurrence of the applicable Technical Enforcement Program supervisor or designee prior to exercising this authority.

f. Legal Enforcement Program supervisors or their attorney designees shall represent EPA at trials or hearings.

g. Documents exercising this authority must be signed by a supervisor or delegatee from each office or program to which it is jointly delegated."

Does this explanation meet with your approval? If not, John Wardell asks that you have Connally Mears give him a call.

My question was and is: Was concurrence obtained from the Montana Office in regard to this amendment or the previous order?